

THE NEWS OF NORFOLK ON PAGES 2, 3 AND 5.

COURT DECISIONS.

Notes of Cases Recently Decided,
Which are of Interest to
Our People.

DIGESTED BY W. B. MARTIN.
(Exclusively for Virginian-Pilot.)

MINERAL DEV. CO. V. JAMES.
Supreme Court of Appeals of Virginia.
September 14, 1899.

AN INSTRUMENT WILL BE HELD
TO BE A CONVEYANCE OR ONLY
AN AGREEMENT TO CONVEY AC-
CORDING TO ITS INTENT.
IN THIS CASE THE INSTRUMENT
WAS AN EXECUTORY AGREEMENT
WHICH WAS CARRIED
OUT BY A SUBSEQUENT DEED.

The question decided will appear from
the opinion of the court.

The Court says:
The determination of the matter in
controversy in this case may be said
to depend mainly upon the nature of
the instrument of April 18, 1882. If it
be not a deed of conveyance but an
executory contract, which was fulfilled
by the deed of November 7, 1883, there
is no error in the decree of the Circuit
Court.

The instrument referred to has many
of the characteristics of a deed of con-
veyance. It begins with the words:
"This indenture," it also contains
the operative words of a conveyance.
In derogation of these characteristics
of a conveyance it specifies that "as to
this last named tract (to wit, tract No. 6)
the said Mills and wife give a special
warranty deed, but to all the other
tracts named a general warranty deed
is to be made."

It is a rule of construction that,
though a deed may in one part use the
formal and apt words of a conveyance,
yet from other parts of the instrument
taken and compared together, it ap-
pears a mere agreement for a convey-
ance was all that was intended, the in-
tent shall prevail, for the intent, and
not the words, is the essence of every
agreement. Considering the whole of
the instrument of April 18, 1882, and
applying the recognized rule of inter-
pretation, I am of opinion that it was only
intended as an agreement for the sale
of certain lands and not a deed of con-
veyance. The words "but to all the
other tracts named a general warranty
deed is to be made," plainly manifest
that the parties contemplated that a
future conveyance was to be made. The
instrument of April 18, 1882, affords
other evidence, especially when consid-
ered with the deed of November 7, 1883,
which tends to support this view.

It thus appears that in the instru-
ment of April 18, 1882, the description
of the lands is in very general terms
and the quantity of each tract not ac-
curately stated, but merely said to con-
tain about so many acres. In the deed
of November 7, 1883, these same lands
are fully described by metes and
bounds and the acreage of each accu-
rately given.

The original instrument is not in evi-
dence, but it appears that though re-
corded, it was not acknowledged as
required of deeds and conveyances, but
was simply witnessed as to Mills,
though not as to his wife; while the
deed of November 7, 1883, recites the
payment of the purchase money, was
duly acknowledged by the grantors for
admission to record, and recorded.

The subsequent conveyances, under
which the appellant claims title to the
lands in controversy, also tend to con-
firm the construction that the deed of
April 18, 1882, was only intended as
an agreement of sale and not a deed
of conveyance.

I am of opinion for the foregoing
reasons, that there is no error in the
decree of the Circuit Court, and the
same must be affirmed.

WORTH VS. NORTON.
Supreme Court of South Carolina.
CAROLINA.
August 2, 1899.

A MEMBER OF CONGRESS WHILE
IN THIS STATE ON PRIVATE
BUSINESS, WITH LEAVE OF AB-
SENCE, IS NOT EXEMPT FROM
SERVICE OF CIVIL PROCESS
UNDER ARTICLE 1, SEC. 6, OF
THE CONSTITUTION OF THE
UNITED STATES.

The case appears from the opinion
of the Court.

The Court says:
It was admitted at the hearing that
on the 6th day of July, 1898, the time of
service of summons and complaint,
James Norton, defendant, was a repre-
sentative in Congress from this State,
and at the time of service he was in
Florence, S. C., on private business, be-
ing absent from Congress, then in ses-
sion, and that Congress adjourned sine
die on the 8th of July, 1898. The mo-
tion being heard, his honor, the presid-
ing judge, passed the following order:

"The motion made in above case to
set aside the service of the summons
and complaint, on the grounds set forth
in the notice served upon plaintiff's
counsel, is hereby denied, the service
of said summons and complaint be set
aside as illegal and void, it being ad-
mitted that Congress was in session,

Young children, to avoid
marasmus, scrofula, or
rickets, and develop healthy
tissues, bones and teeth, need
fats and hypophosphites. Dr.
W. Gilman Thompson,
Prof. Materia Medica and
Therapeutics, in the Uni-
versity of New York, asserts
that Cod-liver Oil is the
best fat for the purpose.

Scott's Emulsion is cod-
liver oil partly digested and
combined with hypophos-
phites, it gives children
material for rich blood,
solid flesh, bones and teeth.

See and get it, all druggists.
SCOTT & BOWNE, Chemists, New York.

and that James Norton was a member
thereof, and absent therefrom on leave.
R. C. Watts, presiding judge.

The plaintiffs, through their counsel,
gave due notice of appeal, and sub-
sequently filed their exceptions.
The language of the federal constitu-
tion is as follows (Article 1, Sec. 6):
"The senators and representatives shall
receive a compensation for their ser-
vices to be ascertained by law and
paid out of the treasury of the United
States. They shall in all cases, except
treason, felony and breach of the peace,
be privileged from arrest during their
attendance at the session of their re-
spective houses, and in going to and
returning from the same. They shall
not be questioned at any other place."

Of course, the question we are called
upon to settle depends upon the mean-
ing to be given to the words "privileged
from arrest."

(The Court then discusses the section
and holds that the lower court was in
error.)
Reversed.

BRAMBLETON WARD.

The Evergreen Social Club held a
meeting, with Mr. A. C. Metcalf, on
Tunstall avenue, Tuesday night, and
transacted much business of impor-
tance. This club has given a number of
socials here of late and will give a
musical next week.

It will be two weeks before the prop-
erty owners can connect with the new
sewer system.

The Young Ladies' Society of Park
Avenue Baptist Church will hold a
"Gipsy Tea" at the home of Mrs. F. L.
Nicholson, No. 205 North Park avenue,
from 8 to 11 o'clock to-night. A feature
of the evening will be a choice literary
and musical program.

The weekly meeting of the Inasmuch
Circle of the King's Daughters will be
held at the home of Mrs. Frank Turner,
No. 208 North Park avenue, at 4
o'clock this afternoon.

The revival at Spurgeon Memorial
Baptist Church has closed.
The annual business meeting of the
Christian Memorial Temple will be held
at 8 o'clock to-night, at which time re-
ports from the various departments of
Church work for the year will be re-
ceived, to be followed by the annual
election of officers.

The revival meeting at McKendree
Methodist Church is still continued
with unabated interest. The services are
largely attended and a number of con-
versions have been reported. Rev. R.
H. Bennett is looking forward to a
pentecostal time.

LAMBERT'S POINT.

About 10 o'clock yesterday morning
a colored hod carrier named King,
while following his vocation at the Nor-
folk Mill, from some unforeseen
cause fell down the elevator a distance
of about forty feet, breaking his leg
both at the knee joint and ankle and
dislocating his hip. He also received a
severe wound above the right eye. He
was taken in an ambulance to the Nor-
folk Protestant Hospital, where his in-
juries were attended to. A phone mes-
sage at 11 o'clock last night stated that
he was resting quietly.

Mrs. F. Boulden, of Myers avenue,
and her sister, Miss White, of Rich-
mond, who is visiting her, have gone
to South Mills, N. C., to attend the
marriage of a cousin.

Rev. L. B. Betty is preaching to
large congregations at the M. E. Church
nightly. The services last night were
of unusual interest and there are hope-
ful signs of a gracious revival.

The Powhatan Cotton Mills and the
Silver Plating Factory are working a
large force at night in order to fill be-
fore Christmas the large number of or-
ders on hand.

Carpenters have commenced the erec-
tion of ten frame dwellings for Myers
& Co. on Fortth street, between Bow-
don's Ferry road and Myers avenue.
The elegant residence of Rev. L. R.
Wright, in Kinston, is rapidly nearing
completion. It will be supplied with
all modern conveniences.

\$1.00 Round Trip to Richmond

Or Petersburg Sunday, October 22.
Train leaves Norfolk and Western de-
pot at 8:10 a. m. Returning, leave
Richmond at 8 p. m. The last of the
season. We will have plenty of coaches.
Oct 13-St. J. F. HERMAN, Manager.

(Communicated.)
Who Will Help Us?

Those who are interested in the suc-
cess of the Protestant Hospital course
and want it to succeed, must talk it
up and use all their powers of persua-
sion to induce persons to hand in their
names to-day. One hundred and eighty-
five more signatures are needed for the
expense of this enterprise. It has been
arranged to have none but first-class
talent. It will certainly reflect upon our
community if this splendid course must
be abandoned. The people should not
wait to be gone after so many times.
Show your interest and appreciation by
helping forward this enterprise. We
must know to-day in order to get the
course tickets out before the Juch con-
cert on the 27th. Every man, woman
and child should shoulder some of this
work and see to it that the hundred
and eighty-five names are gotten to-
day. The places are too well known to
be again mentioned: Taylor & Loyall's,
Graham's Pharmacy, Monticello Hotel,
Nashua's Book Store, Trotter's Phar-
macy, Main street, and Robert Holmes
& Co's.

Subscriptions to St. Vincent's.

Treasurer N. Beaman, of the St.
Vincent's Hospital re-building fund,
yesterday received the following addi-
tional subscriptions, making the total
\$5,262.30.

Division No. 2, A. O. Hibernians, \$50;
Dr. Nicholas Senn, the famous Chicago
physician, \$25; the Master Plumbers'
Association, Norfolk, \$25; Mrs. Wash-
ington Young, Washington, D. C., \$10;
Sharp & Smith, of Chicago, \$5; R. S.
McCann, Portsmouth, \$2; Henry Wil-
lits, \$5; E. H. Chandler, Richmond, \$2;
Patrick Moore, \$2.

A Birthday Dinner.

Mr. Gus Lagorio gave a number of his
friends a birthday dinner Tuesday.
Covers were spread for about twenty-
five people, and when it is stated that
the spread was prepared by Mr. John
Evans, of the Washington House, the
reader will know that it included all
the delicacies of the season. Mr. Laga-
rio was toasted on his 31st birthday,
and Messrs. Herman, Dey, Reid and
others made congratulatory speeches,
to which he feelingly responded. Mr.
Arthur Jones was master of ceremo-
nies.

Dr. Greene's
NERVURA

Greatest Cure the World Has
Ever Known for Overworked,
Exhausted Men and Weak,
Tired Out, Nervous Women.

Mr. W. W. FARMER, nurse in the Insane hos-
pital at Waterbury, Vt., says:
"I was troubled with nervousness, general
debility, bilious turns, headaches, and was
broken down in health. My appetite failed me
and I could not run down
any of the usual remedies. Dr. Greene's
Nervura was recommended to me, and I
took four bottles, getting relief
from the first bottle. I
gained in flesh, my
health was greatly
improved, my nerves
were made steady and
I am now able to do
my usual work. I can
recommend
those who are troubled
by the same ailments to try
Dr. Greene's Nervura
and become
well and strong. I
only get a longer lease
of life and become a
new person through its
excellent power to
cure which is really
surprising."

The People's Phy-
sician to whom
Thousands write
for Advice,
Is Dr. Greene, 30 West
14th St., New York City.
He is a famous and suc-
cessful specialist in curing
nervous and chronic
diseases. If you feel
that a physician has failed
to cure you, write to Dr.
Greene's Nervura. He
will send you nothing but
his own advice and com-
pensation absolutely free.

AMUSEMENTS.

"THE SIDEWALKS OF NEW YORK."

Melo-dramatic situations and in-
cidents to a conventional plot with a
hero, a heroine, a victim and a villain,
embracing dastardly and daring deeds,
a mystery and the rock road to its so-
lution, provide ample material for a
play intended to fire the enthusiasm of
all lovers of thrilling adventure. Those
who went to the Academy of Music last
night expected to see an attraction of
this character and the enthusiasm man-
ifested clearly indicated that they were
not disappointed.

"The Sidewalks of New York" is a
good play of its class and will un-
doubtedly please those who like the
kind. Ample opportunity is given for
the introduction of a variety of spec-
tacles, and was utilized to show a
number of the street characters of the
great city. The scenic effects are ex-
ceptionally complete, and the great leap
of the hero (through a substitute, Mr.
Tustin, champion high diver of the
world) from the shot tower, was an
exciting realistic and thrilling fea-
ture. He makes a beautiful dive, head
first, from the flies into a tank of water
three feet deep, which is well worth
seeing. The daring dive is made to re-
scue a girl from drowning, and forms
the climax of the third act. "The Side-
walks of New York" will be repeated to-
night.

AN ITEM OF HISTORY.

On the bill boards and in the store
windows this week a peculiar litho-
graph is displayed, advertising the com-
ing production of "Frederick The
Great," by Lewis Morrison. It is a re-
production of the Order of the Black
Eagle, the famous Knighthood of
Germany, which had an origin of most
intense interest. Frederick the First
of Prussia, was a man of peculiar tem-
perament, a conservative and autocrat-
ic personage, who abhorred associating
with the democratic or plebeian classes,
and whose firm belief was that he was
ordained by God not man, to rule his
people, and therefore superior to them.
So dissatisfied was he with his environ-
ments and his constant coming in con-
tact with the common herd, as he called
his people, that to exclude all others
from his immediate association, he
founded the "Order of the Black Eagle"
in 1701. The Knighthood to consist of
a number of men, exclusive of the Prince
of royal blood, who were, in virtue
thereof, entitled to knighthood. The
thirty were of unquestionable nobility
and from the direct line of royal ances-
try. Fifty ducats was paid by every
new member, which went to the sup-
port of the Orphan Asylum of Koenigs-
berg, and he then received gratis his in-
signia of office, which consisted of an
elaborate regalia, and a badge worn
suspended from the collar with yellow
ribbon, or displayed upon the left breast
of the uniform. This order was the
highest in Prussia at that time and
worn only by those who were in direct
connection with the sovereign, and who
could not travel twenty German miles
from his Majesty's presence without
royal permission. Lewis Morrison is
the happy possessor of one of these
badges, obtained by him when in Berlin
a few years ago, and the lithograph re-
ferred to has been made from it.

BERT COOTE.

Bert Coote will be seen at the Acad-
emy next Monday in a new comedy en-
titled "A Battle-Scarred Hero," of
which the Albany (N. Y.) Argus says:
"Although Albany has the reputation
of furnishing the most coldly critical
audiences in the State, the place seems
to have become a favorite place for
playwrights to try their new ventures
on. Last night Mr. Bert Coote pre-
sented for the first time on any stage
his comedy entitled, 'A Battle-Scarred
Hero.' The production was greeted by
a fair-sized audience, who pronounced
the comedy up to the standard and Mr.
Coote a star of the first magnitude.
Those who witnessed the play for the
first time were reminded of Willie Col-
lier's success, 'The Man From Mexico,'
and Mr. Coote's methods resemble
somewhat those of Mr. Collier. How-
ever, it would be unjust to say that he
intentionally copies the latter's style
and the comedy has enough sparkle of
its own to make it shine without bor-
rowed light."

BRIEF ITEMS OF INTEREST.

Mr. W. Bullitt Fitz Hugh, editor of the
Pioneer, of Cape Charles, is in the city
on business.

Mr. L. E. Lookabill, editor of the
Sunday Critic, and proprietor of a large
job printing establishment in Roanoke,
is in the city.

There will be a meeting of the Wash-
ington Circle of the King's Daughters
at 11 o'clock this morning at the resi-
dence of Mrs. Williams, No. 207 Gran-
by street.

Mr. George W. Jones, of the custom
house clerical force, has returned from
Philadelphia, where he went to under-
go a surgical operation, much improved
in health. Two operations were per-
formed, and a third may prove neces-
sary, when a permanent cure is prac-
tically assured.

CASTORIA.

The Kind You Have Always Bought
Bears the
Signature
of
Jas. H. Hatcher

PEOPLE'S FORUM.

NOTE.—The People's Forum being
freely open to all parties, classes, per-
sons, views and capacities, the Vir-
ginian-Pilot is responsible for none
of the statements nor opinions ex-
pressed therein, nor for the style in
which they are set forth. The ignorant
and uneducated shall be heard here
equally with the learned.

Some Suggestions.

Norfolk, Oct. 16, 1899.
Editor Virginian-Pilot:

Kindly allow me space in your val-
uable paper to make the following sug-
gestions: Would it not be an excellent
thing, if some church or churches in
Norfolk would institute a series of or-
gan, or song recitals, or a combination
of both, to take place on Sunday after-
noons or evenings, during the coming
winter? The undersigned (judging from
what he has seen in other cities) is
sure that such a move would meet with
the success it would deserve. A small
fee might be charged, or collection be
taken to cover expenses, and many peo-
ple, who have no opportunity during
the week, would thus be able to spend
a half hour or more in enjoyment of
the music of the great masters, which
has a refining and elevating influence
that is undeniable. I predict that any
church that starts on the lines indi-
cated will not want for large and ap-
preciative audiences. Let others be
heard from on this subject. J. H.

CASTORIA.

The Kind You Have Always Bought
Bears the
Signature
of
Jas. H. Hatcher

Hick's CAPUDINE will cure all your
headaches, etc. Ask your druggist for
it.

Died by Wife's Grave.

(By Telegraph to Virginian-Pilot.)
Jacksonville, Fla., October 18.—A spe-
cial to the Times Union and Citizen
from Gainesville says:

Professor J. W. N. Beard blew out
his brains and died by his wife's grave
last night. He had taught school for
years, but failing eyesight had com-
pelled him to give up his occupation, and
it is supposed financial distress had dis-
heartened him.

Scrofula, a Vile
Inheritance.

Scrofula is the most obstinate of blood
troubles, and is often the result of an
inherited taint in the blood. S. S. S.
is the only remedy which goes deep
enough to reach Scrofula; it forces out
every trace of the disease, and cures
the worst cases.

My son, Charlie, was afflicted from infancy
with Scrofula, and he suffered so that it was
impossible to dress him for
three years. His
head and body were a
mass of sores, and his
eyesight also became
affected. No treatment
was spared that was
thought would relieve
him, but he grew worse
until his condition was
indeed pitiable. I had
almost despaired of his
ever being cured, when
the advice of a friend
we gave him S. S. S.
(Swift's Specific). A de-
cided improvement was the result, and after
he had taken a dozen bottles, no one who knew
of his former dreadful condition would have
recognized him. All the sores on his body
have healed, his skin is perfectly clear and
smooth, and he has been restored to perfect
health.
Jas. S. S. S. MARY,
360 Elm St., Macon, Ga.

For real blood troubles it is a waste
of time to expect cure from the doc-
tors. Blood diseases are beyond their
skill. Swift's Specific,
S. S. S. For Blood

reaches all deep-seated cases which
other remedies have no effect upon. It
is the only blood remedy guaranteed
purely vegetable, and contains no pot-
ash, mercury, or other mineral.
Books mailed free to any address by
Swift Specific Co., Atlanta, Ga.

Strong Drink is Death



DR. CHARCOT'S TONIC TABLETS
are the only positively guaranteed remedy for the
Drunk Habit, Nervousness and Melancholy caused
by strong drink.
WE GUARANTEE FOUR BOXES
to cure any case with a positive written guar-
antee or refund the money, and to destroy the
appetite for intoxicating liquors.
THE TABLETS CAN BE GIVEN WITHOUT
KNOWLEDGE OF THE PATIENT.

STRONG DRINK is Death. Upon receipt
of \$10.00 we will mail you four (4) boxes and pos-
itive written guarantee to cure or refund
your money. Single boxes \$3.00.

Walke, Martin & Gray, sole agents,
corner Water street and Roanoke ave-
nue, Norfolk, Va.

Office

Board S. S. and Dr. Coms.
Norfolk, Va., October 16, 1899.

BIDS WILL BE RECEIVED AT A
public auction to be held at 11 o'clock
a. m. on THURSDAY, the 19th day of
October, for the purchase of all the
buildings and parts of buildings required
to be torn down for the opening of Tripoli
street, from Bute to Wolf street.

No building will be delivered to a pur-
chaser until the amount for the same
has been paid to the City Treasurer.
Each building or part of building is
sold with the distinct understanding that
the purchaser will take down and re-
move the same within six weeks of the
date of sale, and that no building or part
of building is sold below the ground.
All plaster or mortar suitable for filling
is not sold with the building to which it
pertains, but is reserved by the city.
There being much valuable building mate-
rial to be sold the public is cordially in-
vited to attend the sale.

J. D. HOFHEIMER,
Chairman B. S. S. and Dr. Coms.
Oct 16-19, 1899-31

The Saks Stores

A Two Days' Special of Boys' and Children's Suits.

They're six lots of regular \$5.00, \$6.00 and \$6.50 lines—sizes from 8 to
16 years—in Brown Check Chevots, Gray Effects and Nobby Plaids—
made in the most substantial manner—all wool, Italian lining—such as the
Saks Stores only use—and all this season's goods.

Your Choice, \$2.95.

Saks & Company,
234-236 MAIN STREET.

THINK OVER THIS PROPOSITION.

WHY DELAY IN GOING TO HOUSEKEEPING OR DO WITHOUT A NEW
PARLOR, BEDROOM OR DINING ROOM SUIT, CARPETS, STOVE OR RANGE
WHEN YOU CAN SECURE SAME FROM

JOHN B. LOUGHRAN'S
PIONEER INSTALLMENT HOUSE,
319 AND 321 CHURCH STREET.

BY MAKING A SMALL CASH PAYMENT AND A LIKE AMOUNT EACH
WEEK OR MONTH. YOU WILL FIND US HEADQUARTERS FOR HOUSE-
HOLD GOODS.

—PARLOR SUITS—

IN 3 AND 5 PIECES, BEAUTIFULLY UPHOLSTERED. PRICES WITHIN
REACH OF ALL. LOT OF ODD CHAIRS TO SELECT FROM.

—CHAMBER SUITS—

IN ALL THE NEWEST STYLES. IRON BEDS AND CRIBS, NEW PAT-
TERNS, LOW PRICES.

—OUR STOCK OF—

SIDEBOARDS, DINING TABLES, CHAIRS, CHINA CLOSETS, HATRACKS,
CHIFFONIERES, BOOKCASES, COUCHES, ETC., ARE THE PRETTIEST WE
HAVE EVER HAD THE PLEASURE OF SHOWING.
CARPETS, DRUGGETS, RUGS, ETC., IN HUNDREDS OF PATTERNS TO
SELECT FROM. NO EXTRA CHARGE FOR MAKING AND LAYING.



Sterling Silver. Sterling Silver.

JUST RECEIVED—OUR FULL LINE OF
STERLING SILVER BRIDAL PRESENTS.
Oak Chests, all sizes and combinations, from
\$10 to \$100, filled with Sterling Silver.

The handsomest line of \$5.00 pieces ever seen in Norfolk. All Sterling Silver.
Pearl Handle Knives, all sizes, new line. Sterling Silver Oyster and Soup Ladles
from \$7.00 up.

Sterling Silver Brush, Comb and Mirror, in box, \$6.00 and \$7.50 per set.

HEARTS. HEARTS. HEARTS.

The largest line in the city, from 15c. to 50c., all Sterling Silver. Gold Hearts from
\$1.00 up.

NEW NETHERSOLE BRACELETS, 69c.

We have connected with us permanently a first-class optician, Dr. H. W. Shelley,
who will have charge of our optical department, which will be first-class in every
particular. Examination free. Difficult cases solicited.

CHAPMAN & JAKEMAN,

LEADING JEWELERS. Cor. Main and Bank Streets.
AGENTS FOR IMPERIAL SILVER POLISH. FREE SAMPLE TO ALL
HOUSEKEEPERS WHO CALL.



RIPANS

Charlie Merritt has to go to war.

Yes, I know; Walter gave him a
medicine chest to take with him, and
put in it a large quantity of Ripans
Tabules. He is all the time praising
Ripans up to the skies.

A new style packet containing TEN RIPANS TABLETS in a paper carton (without glass) is now for sale at some
of the best drug stores. This low-priced sort is intended for the poor and the occasional. One dozen of
the five-cent cartons (not tabules) can be had by mailing twenty-eight cents to the Bureau of Chemicals, One
East 10th Street, New York—see a single carton (not tabules) will be sent for five cents. RETURN TABLETS
may also be had of grocers, general storekeepers, news-stands and at liquor stores and harbor shops.